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February 24, 2009

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Suite TW-A325
Washington, DC 20554

Filed Electronically Via ECFS

RE: FPL FiberNet, LLC
Customer Proprietary Network Information Certification
EB Docket No. 06-36

Dear Ms. Dortch:

Pursuant to 47 C.F.R. 64.2009(e) please find attached the 2008 Annual CPNI Certification and Accompanying Statement filed on behalf of FPL FiberNet, LLC.

Please contact the undersigned should you have any questions or concerns at (269) 381-8893 or patrick@crockerlawfirm.com.

Very truly yours,

CROCKER & CROCKER, P.C.


Patrick D. Crocker

PDC/tld

cc: FCC Enforcement Bureau (2 copies via USPS Mail)
Best Copy and Print, Inc. (via e-mail FCC@BCPIWEB.COM)



Customer Proprietary Network Information Annual Certification of Compliance
Pursuant to 47 C.F.R. § 64.2009(e)

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for year 2008.

Date filed: February 27, 2009

Name of company covered by this Certification: FPL FiberNet, LLC

Form 499 Filer ID: 825118

Name of Signatory: Carmen Perez

Title of signatory: President

I am the President of FPL FiberNet, LLC and as such do hereby certify, affirm, depose, and say that I have authority to make this Customer Proprietary Network Information ("CPNI") Annual Certification of Compliance on behalf of FPL FiberNet, LLC. I have personal knowledge that FPL FiberNet, LLC has established adequate operating procedures to ensure compliance with the Commission's CPNI rules as set forth in 47 C.F.R. § 64.2001 et. seq.

Attached to this Certification is an Accompanying Statement explaining how FPL FiberNet, LLC procedures ensure compliance with the requirements set forth in 47 C.F.R. § 64.2001 et seq.

FPL FiberNet, LLC received no customer complaints in the past year concerning the unauthorized release of CPNI. Further, FPL FiberNet, LLC has taken no action against data brokers for the unauthorized release of CPNI during calendar year 2008. FPL FiberNet, LLC will report any information it may obtain with respect to the processes pretexters are using to attempt to access CPNI and what steps the FPL FiberNet, LLC is taking to protect CPNI.

This certification is dated this 17 day of February, 2009.

A handwritten signature in dark ink, appearing to read "Carmen Perez", is written over a horizontal line.

Carmen Perez
President
FPL FiberNet, LLC

Accompanying Statement to Annual CPNI Compliance Certification for

FPL FiberNet, LLC

February 27, 2009

FPL FiberNet, LLC operating procedures ensure that FPL FiberNet, LLC is in compliance with 47 C.F.R. Part 64, Subpart U, as follows:

Employee Training and Discipline

- FPL FiberNet, LLC trains and obligates all employees, sales contractors, and sales agents with access to CPNI, to protect the confidentiality of CPNI by requiring compliance with the FPL FiberNet, LLC Customer Proprietary Network Information Protection Policy (the "Policy").
- FPL FiberNet, LLC requires all employees, sales contractors and sales agents with access to CPNI confirm receipt of the Policy, that they have read and understand the Policy. Failure to follow the Policy may result in disciplinary action or termination of the employment.

Sales and Marketing Campaign Approval

- FPL FiberNet, LLC requires management approval for all sales and marketing campaigns.

Record-Keeping Requirements

- FPL FiberNet, LLC implemented a system by which the status of a Customer's CPNI approval can be established prior to the use of CPNI.
- FPL FiberNet, LLC established the SR System to maintain a record of all sales and marketing campaigns that use CPNI, including marketing campaigns of affiliates and independent contractors.
- FPL FiberNet, LLC ensured that these records include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as a part of the campaign.
- FPL FiberNet, LLC requires that these records are maintained for a minimum of one (1) year.

Establishment of a Supervisory Review Process

- FPL FiberNet, LLC established a supervisory review process for all outbound marketing situations.
- FPL FiberNet, LLC certified that under this review process, all sales personnel obtain supervisory approval of any proposed outbound marketing request for customer approval.

Opt-In

- FPL FiberNet, LLC only discloses CPNI to sales agents, affiliates, joint venture partners, independent contractors or to any other third parties only after receiving "opt-in" approval from a customer.
- FPL FiberNet, LLC enters into confidentiality agreements with joint venture partners, independent contractors or any other third party when releasing CPNI. All such confidentiality agreements are reviewed by the director of legal and regulatory affairs.

Opt-Out Mechanism Failure

- FPL FiberNet, LLC established a protocol requiring written notice to the FCC with written notice within five (5) business days of any instance where opt-out mechanisms do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly.

Compliance Certificates

- FPL FiberNet, LLC executed a statement, signed by an officer, certifying that he or she has personal knowledge that FPL FiberNet, LLC has established operating procedures that are adequate to ensure compliance with the FCC's CPNI regulations.
- FPL FiberNet, LLC prepared this Accompanying Statement detailing how operating procedures ensure compliance with CPNI regulations.
- FPL FiberNet, LLC provided an explanation of any actions taken against data brokers.
- FPL FiberNet, LLC provided a summary of all customer complaints received in the past year concerning unauthorized release of CPNI.

Customer Authentication Methods

- FPL FiberNet, LLC instituted customer authentication methods to ensure adequate protection of customers' CPNI.

Notification to Law Enforcement and Customers of Unauthorized Access

- FPL FiberNet, LLC established a protocol under which the appropriate law enforcement agency is notified of any unauthorized access to a customer's CPNI.
- FPL FiberNet, LLC ensured that all records of any discovered CPNI breaches are kept for a minimum of two (2) years.